



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4521**

Introduced 1/11/2006, by Rep. Jim Sacia - Rich Brauer

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/8h	
625 ILCS 5/16-104c new	
705 ILCS 105/27.5	from Ch. 25, par. 27.5
730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1

Amends the State Finance Act. Provides that, through fiscal year 2007, no amount may be transferred from the State Police Vehicle Fund to the General Revenue Fund. Amends the Illinois Vehicle Code, the Clerks of Courts Act, and the Unified Code of Corrections. Provides that any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code must pay an additional fee of \$10, to be deposited into the State Police Vehicle Fund.

LRB094 17027 DRH 52309 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by changing  
5 Section 8h as follows:

6 (30 ILCS 105/8h)

7 Sec. 8h. Transfers to General Revenue Fund.

8 (a) Except as provided in subsection (b), notwithstanding  
9 any other State law to the contrary, the Governor may, through  
10 June 30, 2007, from time to time direct the State Treasurer and  
11 Comptroller to transfer a specified sum from any fund held by  
12 the State Treasurer to the General Revenue Fund in order to  
13 help defray the State's operating costs for the fiscal year.  
14 The total transfer under this Section from any fund in any  
15 fiscal year shall not exceed the lesser of (i) 8% of the  
16 revenues to be deposited into the fund during that fiscal year  
17 or (ii) an amount that leaves a remaining fund balance of 25%  
18 of the July 1 fund balance of that fiscal year. In fiscal year  
19 2005 only, prior to calculating the July 1, 2004 final  
20 balances, the Governor may calculate and direct the State  
21 Treasurer with the Comptroller to transfer additional amounts  
22 determined by applying the formula authorized in Public Act  
23 93-839 to the funds balances on July 1, 2003. No transfer may  
24 be made from a fund under this Section that would have the  
25 effect of reducing the available balance in the fund to an  
26 amount less than the amount remaining unexpended and unreserved  
27 from the total appropriation from that fund estimated to be  
28 expended for that fiscal year. This Section does not apply to  
29 any funds that are restricted by federal law to a specific use,  
30 to any funds in the Motor Fuel Tax Fund, the Intercity  
31 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid  
32 Provider Relief Fund, the Teacher Health Insurance Security

1 Fund, the Reviewing Court Alternative Dispute Resolution Fund,  
2 ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter  
3 Fund, the Lawyers' Assistance Program Fund, the Supreme Court  
4 Federal Projects Fund, the Supreme Court Special State Projects  
5 Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development  
6 and Operation Fund, or the Hospital Basic Services Preservation  
7 Fund, or to any funds to which subsection (f) of Section 20-40  
8 of the Nursing and Advanced Practice Nursing Act applies. No  
9 transfers may be made under this Section from the Pet  
10 Population Control Fund. Notwithstanding any other provision  
11 of this Section, for fiscal year 2004, the total transfer under  
12 this Section from the Road Fund or the State Construction  
13 Account Fund shall not exceed the lesser of (i) 5% of the  
14 revenues to be deposited into the fund during that fiscal year  
15 or (ii) 25% of the beginning balance in the fund. For fiscal  
16 year 2005 through fiscal year 2007, no amounts may be  
17 transferred under this Section from the Road Fund, the State  
18 Construction Account Fund, the Criminal Justice Information  
19 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
20 Mandatory Arbitration Fund. Through fiscal year 2007, no  
21 amounts may be transferred under this Section from the State  
22 Police Vehicle Fund.

23 In determining the available balance in a fund, the  
24 Governor may include receipts, transfers into the fund, and  
25 other resources anticipated to be available in the fund in that  
26 fiscal year.

27 The State Treasurer and Comptroller shall transfer the  
28 amounts designated under this Section as soon as may be  
29 practicable after receiving the direction to transfer from the  
30 Governor.

31 (b) This Section does not apply to: (i) the Ticket For The  
32 Cure Fund; (ii) ~~or to~~ any fund established under the Community  
33 Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after  
34 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~  
35 ~~amendatory Act of the 94th General Assembly,~~ the Child Labor  
36 and Day and Temporary Labor Enforcement Fund.

1 (c) This Section does not apply to the Demutualization  
2 Trust Fund established under the Uniform Disposition of  
3 Unclaimed Property Act.

4 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
5 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
6 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
7 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
8 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,  
9 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
10 94-691, eff. 11-2-05; revised 11-15-05.)

11 Section 10. The Illinois Vehicle Code is amended by adding  
12 Section 16-104c as follows:

13 (625 ILCS 5/16-104c new)

14 Sec. 16-104c. Sec. 16-104c. Court supervision fee; State  
15 Police Vehicle Fund. Any person who receives a disposition of  
16 court supervision for a violation of any provision of this Code  
17 shall pay an additional fee of \$10, to be deposited into the  
18 State Police Vehicle Fund.

19 Section 15. The Clerks of Courts Act is amended by changing  
20 Section 27.5 as follows:

21 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

22 Sec. 27.5. (a) All fees, fines, costs, additional  
23 penalties, bail balances assessed or forfeited, and any other  
24 amount paid by a person to the circuit clerk that equals an  
25 amount less than \$55, except restitution under Section 5-5-6 of  
26 the Unified Code of Corrections, reimbursement for the costs of  
27 an emergency response as provided under Section 11-501 of the  
28 Illinois Vehicle Code, the court supervision fee collected  
29 under Section 16-104c of the Illinois Vehicle Code, any fees  
30 collected for attending a traffic safety program under  
31 paragraph (c) of Supreme Court Rule 529, any fee collected on  
32 behalf of a State's Attorney under Section 4-2002 of the

1 Counties Code or a sheriff under Section 4-5001 of the Counties  
2 Code, or any cost imposed under Section 124A-5 of the Code of  
3 Criminal Procedure of 1963, for convictions, orders of  
4 supervision, or any other disposition for a violation of  
5 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
6 similar provision of a local ordinance, and any violation of  
7 the Child Passenger Protection Act, or a similar provision of a  
8 local ordinance, and except as provided in subsection (b) shall  
9 be disbursed within 60 days after receipt by the circuit clerk  
10 as follows: 47% shall be disbursed to the entity authorized by  
11 law to receive the fine imposed in the case; 12% shall be  
12 disbursed to the State Treasurer; and 41% shall be disbursed to  
13 the county's general corporate fund. Of the 12% disbursed to  
14 the State Treasurer, 1/6 shall be deposited by the State  
15 Treasurer into the Violent Crime Victims Assistance Fund, 1/2  
16 shall be deposited into the Traffic and Criminal Conviction  
17 Surcharge Fund, and 1/3 shall be deposited into the Drivers  
18 Education Fund. For fiscal years 1992 and 1993, amounts  
19 deposited into the Violent Crime Victims Assistance Fund, the  
20 Traffic and Criminal Conviction Surcharge Fund, or the Drivers  
21 Education Fund shall not exceed 110% of the amounts deposited  
22 into those funds in fiscal year 1991. Any amount that exceeds  
23 the 110% limit shall be distributed as follows: 50% shall be  
24 disbursed to the county's general corporate fund and 50% shall  
25 be disbursed to the entity authorized by law to receive the  
26 fine imposed in the case. Not later than March 1 of each year  
27 the circuit clerk shall submit a report of the amount of funds  
28 remitted to the State Treasurer under this Section during the  
29 preceding year based upon independent verification of fines and  
30 fees. All counties shall be subject to this Section, except  
31 that counties with a population under 2,000,000 may, by  
32 ordinance, elect not to be subject to this Section. For  
33 offenses subject to this Section, judges shall impose one total  
34 sum of money payable for violations. The circuit clerk may add  
35 on no additional amounts except for amounts that are required  
36 by Sections 27.3a and 27.3c of this Act, unless those amounts

1 are specifically waived by the judge. With respect to money  
2 collected by the circuit clerk as a result of forfeiture of  
3 bail, ex parte judgment or guilty plea pursuant to Supreme  
4 Court Rule 529, the circuit clerk shall first deduct and pay  
5 amounts required by Sections 27.3a and 27.3c of this Act. This  
6 Section is a denial and limitation of home rule powers and  
7 functions under subsection (h) of Section 6 of Article VII of  
8 the Illinois Constitution.

9 (b) The following amounts must be remitted to the State  
10 Treasurer for deposit into the Illinois Animal Abuse Fund:

11 (1) 50% of the amounts collected for felony offenses  
12 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
13 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
14 Animals Act and Section 26-5 of the Criminal Code of 1961;

15 (2) 20% of the amounts collected for Class A and Class  
16 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
17 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
18 for Animals Act and Section 26-5 of the Criminal Code of  
19 1961; and

20 (3) 50% of the amounts collected for Class C  
21 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
22 for Animals Act and Section 26-5 of the Criminal Code of  
23 1961.

24 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02;  
25 93-800, eff. 1-1-05.)

26 Section 20. The Unified Code of Corrections is amended by  
27 changing Section 5-6-1 as follows:

28 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

29 Sec. 5-6-1. Sentences of Probation and of Conditional  
30 Discharge and Disposition of Supervision. The General Assembly  
31 finds that in order to protect the public, the criminal justice  
32 system must compel compliance with the conditions of probation  
33 by responding to violations with swift, certain and fair  
34 punishments and intermediate sanctions. The Chief Judge of each

1 circuit shall adopt a system of structured, intermediate  
2 sanctions for violations of the terms and conditions of a  
3 sentence of probation, conditional discharge or disposition of  
4 supervision.

5 (a) Except where specifically prohibited by other  
6 provisions of this Code, the court shall impose a sentence of  
7 probation or conditional discharge upon an offender unless,  
8 having regard to the nature and circumstance of the offense,  
9 and to the history, character and condition of the offender,  
10 the court is of the opinion that:

11 (1) his imprisonment or periodic imprisonment is  
12 necessary for the protection of the public; or

13 (2) probation or conditional discharge would deprecate  
14 the seriousness of the offender's conduct and would be  
15 inconsistent with the ends of justice; or

16 (3) a combination of imprisonment with concurrent or  
17 consecutive probation when an offender has been admitted  
18 into a drug court program under Section 20 of the Drug  
19 Court Treatment Act is necessary for the protection of the  
20 public and for the rehabilitation of the offender.

21 The court shall impose as a condition of a sentence of  
22 probation, conditional discharge, or supervision, that the  
23 probation agency may invoke any sanction from the list of  
24 intermediate sanctions adopted by the chief judge of the  
25 circuit court for violations of the terms and conditions of the  
26 sentence of probation, conditional discharge, or supervision,  
27 subject to the provisions of Section 5-6-4 of this Act.

28 (b) The court may impose a sentence of conditional  
29 discharge for an offense if the court is of the opinion that  
30 neither a sentence of imprisonment nor of periodic imprisonment  
31 nor of probation supervision is appropriate.

32 (b-1) Subsections (a) and (b) of this Section do not apply  
33 to a defendant charged with a misdemeanor or felony under the  
34 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
35 the Criminal Code of 1961 if the defendant within the past 12  
36 months has been convicted of or pleaded guilty to a misdemeanor

1 or felony under the Illinois Vehicle Code or reckless homicide  
2 under Section 9-3 of the Criminal Code of 1961.

3 (c) The court may, upon a plea of guilty or a stipulation  
4 by the defendant of the facts supporting the charge or a  
5 finding of guilt, defer further proceedings and the imposition  
6 of a sentence, and enter an order for supervision of the  
7 defendant, if the defendant is not charged with: (i) a Class A  
8 misdemeanor, as defined by the following provisions of the  
9 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;  
10 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;  
11 paragraph (1) through (5), (8), (10), and (11) of subsection  
12 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
13 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
14 Act; or (iii) felony. If the defendant is not barred from  
15 receiving an order for supervision as provided in this  
16 subsection, the court may enter an order for supervision after  
17 considering the circumstances of the offense, and the history,  
18 character and condition of the offender, if the court is of the  
19 opinion that:

20 (1) the offender is not likely to commit further  
21 crimes;

22 (2) the defendant and the public would be best served  
23 if the defendant were not to receive a criminal record; and

24 (3) in the best interests of justice an order of  
25 supervision is more appropriate than a sentence otherwise  
26 permitted under this Code.

27 (d) The provisions of paragraph (c) shall not apply to a  
28 defendant charged with violating Section 11-501 of the Illinois  
29 Vehicle Code or a similar provision of a local ordinance when  
30 the defendant has previously been:

31 (1) convicted for a violation of Section 11-501 of the  
32 Illinois Vehicle Code or a similar provision of a local  
33 ordinance or any similar law or ordinance of another state;  
34 or

35 (2) assigned supervision for a violation of Section  
36 11-501 of the Illinois Vehicle Code or a similar provision

1 of a local ordinance or any similar law or ordinance of  
2 another state; or

3 (3) pleaded guilty to or stipulated to the facts  
4 supporting a charge or a finding of guilty to a violation  
5 of Section 11-503 of the Illinois Vehicle Code or a similar  
6 provision of a local ordinance or any similar law or  
7 ordinance of another state, and the plea or stipulation was  
8 the result of a plea agreement.

9 The court shall consider the statement of the prosecuting  
10 authority with regard to the standards set forth in this  
11 Section.

12 (e) The provisions of paragraph (c) shall not apply to a  
13 defendant charged with violating Section 16A-3 of the Criminal  
14 Code of 1961 if said defendant has within the last 5 years  
15 been:

16 (1) convicted for a violation of Section 16A-3 of the  
17 Criminal Code of 1961; or

18 (2) assigned supervision for a violation of Section  
19 16A-3 of the Criminal Code of 1961.

20 The court shall consider the statement of the prosecuting  
21 authority with regard to the standards set forth in this  
22 Section.

23 (f) The provisions of paragraph (c) shall not apply to a  
24 defendant charged with violating Sections 15-111, 15-112,  
25 15-301, paragraph (b) of Section 6-104, Section 11-605, or  
26 Section 11-1414 of the Illinois Vehicle Code or a similar  
27 provision of a local ordinance.

28 (g) Except as otherwise provided in paragraph (i) of this  
29 Section, the provisions of paragraph (c) shall not apply to a  
30 defendant charged with violating Section 3-707, 3-708, 3-710,  
31 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
32 of a local ordinance if the defendant has within the last 5  
33 years been:

34 (1) convicted for a violation of Section 3-707, 3-708,  
35 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
36 provision of a local ordinance; or

1           (2) assigned supervision for a violation of Section  
2           3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
3           Code or a similar provision of a local ordinance.

4           The court shall consider the statement of the prosecuting  
5           authority with regard to the standards set forth in this  
6           Section.

7           (h) The provisions of paragraph (c) shall not apply to a  
8           defendant under the age of 21 years charged with violating a  
9           serious traffic offense as defined in Section 1-187.001 of the  
10          Illinois Vehicle Code:

11           (1) unless the defendant, upon payment of the fines,  
12           penalties, and costs provided by law, agrees to attend and  
13           successfully complete a traffic safety program approved by  
14           the court under standards set by the Conference of Chief  
15           Circuit Judges. The accused shall be responsible for  
16           payment of any traffic safety program fees. If the accused  
17           fails to file a certificate of successful completion on or  
18           before the termination date of the supervision order, the  
19           supervision shall be summarily revoked and conviction  
20           entered. The provisions of Supreme Court Rule 402 relating  
21           to pleas of guilty do not apply in cases when a defendant  
22           enters a guilty plea under this provision; or

23           (2) if the defendant has previously been sentenced  
24           under the provisions of paragraph (c) on or after January  
25           1, 1998 for any serious traffic offense as defined in  
26           Section 1-187.001 of the Illinois Vehicle Code.

27           (i) The provisions of paragraph (c) shall not apply to a  
28           defendant charged with violating Section 3-707 of the Illinois  
29           Vehicle Code or a similar provision of a local ordinance if the  
30           defendant has been assigned supervision for a violation of  
31           Section 3-707 of the Illinois Vehicle Code or a similar  
32           provision of a local ordinance.

33           (j) The provisions of paragraph (c) shall not apply to a  
34           defendant charged with violating Section 6-303 of the Illinois  
35           Vehicle Code or a similar provision of a local ordinance when  
36           the revocation or suspension was for a violation of Section

1 11-501 or a similar provision of a local ordinance, a violation  
2 of Section 11-501.1 or paragraph (b) of Section 11-401 of the  
3 Illinois Vehicle Code, or a violation of Section 9-3 of the  
4 Criminal Code of 1961 if the defendant has within the last 10  
5 years been:

6 (1) convicted for a violation of Section 6-303 of the  
7 Illinois Vehicle Code or a similar provision of a local  
8 ordinance; or

9 (2) assigned supervision for a violation of Section  
10 6-303 of the Illinois Vehicle Code or a similar provision  
11 of a local ordinance.

12 (k) The provisions of paragraph (c) shall not apply to a  
13 defendant charged with violating any provision of the Illinois  
14 Vehicle Code or a similar provision of a local ordinance that  
15 governs the movement of vehicles if, within the 12 months  
16 preceding the date of the defendant's arrest, the defendant has  
17 been assigned court supervision on 2 occasions for a violation  
18 that governs the movement of vehicles under the Illinois  
19 Vehicle Code or a similar provision of a local ordinance.

20 (l) A defendant charged with violating any provision of the  
21 Illinois Vehicle Code who receives a disposition of supervision  
22 under subsection (c) shall pay an additional fee of \$10, to be  
23 deposited into the State Police Vehicle Fund, as provided in  
24 Section 16-104c of the Illinois Vehicle Code.

25 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;  
26 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;  
27 revised 8-19-05.)